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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,643	01/12/2000	LUNDY LEWIS	APB-01RCE	5926

7590 11/10/2003  
KEVIN J CANNING  
LAHIVE & COCKFEILD LLP  
28 STATE STREET  
BOSTON, MA 02109

EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/481,643

Applicant(s)

LEWIS ET AL.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 46-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The preliminary amendment D, received on July 18, 2003, has been entered. Claims 46-77 are presented for examination.

### Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 46-77 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of Lewis et al., U.S. Patent No. 6,131,112. Although the conflicting claims are not identical, they are not patentably distinct from each other because the context of the claimed invention is the similar as the context of the cited claims of the U.S. Patent No. 6,131,112, i.e., claims 1 and 3 of U.S. Patent No. 6,131,112 and claims 46-47 of Application No. 09/481,643.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 46-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doolan, U.S. Patent No. 5,764,955, and further in view of Christie et al. (Christie), U.S. Patent No. 6,026,091.

6. As to claims 46, 61, and 73, Doolan discloses a method for sharing information between a first management system and a second management system, comprising the steps of:

(a) receiving an event message from the first management system (col. 11, lines 14-44: receiving a CMIP message from manager 200 (first management system);

(b) determining whether the event message relates to an entity that is managed by the second management system (col. 19, lines 43-48: agent 201 maintains a local MIB storage which reflects much of the network element (second management system) and is referenced during filter operations such as a certain static value be checked for a particular attribute);

However, Doolan does not explicitly disclose

(c) when the event message relates to an entity that is managed by the second management system, formatting the event message in a format compatible with the second management system; and

(d) taking an action to provide the second management system with the event message in the format compatible with the second management system.

In the similar field of endeavor, Christie discloses in the Abstract, col. 2, lines 19-46, col. 3, lines 22-30, and col. 5, lines 6-39 and Figs. 1 & 2: ATM gateway system receiving ATM cells containing Virtual Path Identification/Virtual Channel Identification (VPI/VCI) and telecommunications signaling for the call (event message) from the first network ATM system; a call connection manager 270 (CCM) will identify the VPI/VCI

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for routing the call over connection 264 to a second network ATM system (col. 5, line 16 – col. 6, line 4 and col. 6, lines 29-43); VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration (col. 3, lines 31-64); and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations (col. 6, line 60 – col. 7, line 4).

Since Christie discloses a method of operating an ATM gateway system in a telecommunications system, which is similar to the gateway for using legacy telecommunications network of Doolan, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Christie and Doolan to include VPI/VCI must be modified to be compatible the new VPI/VCI routing configuration and connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations. Christie suggests that using ATM gateway to handle the dynamic allocation of VPI/VCI connection assignments required to support switched virtual circuits (SVCs).

7. As to claims 47 and 62 Doolan and Christie disclose a step (e) of sending the event message, in the format compatible with the second management system, to the second management system (Christie, col. 6, line 60 – col. 7, line 4: connection 264 would transfer these modified cells or VPI/VCI to the second network ATM system that has pre-provisioned VPI/VCI to potential network destinations).

8. As to claims 48, 63, and 74, Doolan and Christie disclose wherein step (d) comprises a step of holding the formatted event message until requested by the second management system (Christie, col. 5, lines 6-15).
9. As to claims 49, 64, and 75, Doolan and Christie disclose wherein step (d) comprises a step of pushing the formatted event message until accepted by the second management system (Christie, col. 12, lines 10-43).
10. As to claims 50, 65, and 76, Doolan and Christie disclose wherein step (d) comprises a step of sending the formatted event message to a component accessible to the first management system and the second management system, the component holds the formatted event message until occurrence of a selected event (Christie, col. 3, lines 31-64: gateway 130 contains ATM Label Converter 203 (a component) holds the formatted VPI/VCI and can transmit the formatted VPI/VCI to first ATM system and the second ATM system).
11. As to claims 51, 66, and 77, Doolan and Christie disclose wherein the component within the first management system comprises a storage device having an area to hold the event message (Christie, Abstract, col. 2, lines 19-46, col. 3, lines 22-30, and col. 5, lines 6-39 and Figs. 1, 2, and 3: ATM gateway system receiving ATM cells containing Virtual Path Identification/Virtual Channel Identification (VPI/VCI) and telecommunications signaling for the call (event message) from the first network ATM system).

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12. As to claim 52, Doolan and Christie disclose wherein the selected event comprises a request from the first management system (Christie, col. 6, line 44 – col. 7, line 9).

13. As to claim 53, Doolan and Christie disclose wherein the selected event comprises a repeat occurrence of a selected indicia in the message (Christie, col. 6, line 44 – col. 7, line 9).

14. As to claims 54 and 67, Doolan and Christie disclose a step (e) of maintaining a first set of management information by the first management system (Christie, col. 6, lines 5-14 and Fig. 3).

15. As to claims 55 and 68, Doolan and Christie disclose a step (e) of maintaining a second set of management information by the second management system (Christie, col. 6, lines 5-14 and Fig. 3).

16. As to claims 56 and 69, Doolan and Christie disclose a step (f) of forwarding a selected portion of the first set of management information to the second management system (Christie, col. 4, lines 49 – 64 and col. 5, lines 40-47).

17. As to claims 57 and 70, Doolan and Christie disclose,

(f) maintaining a second set of management information by the second management system (Christie, col. 6, lines 5-14 and Fig. 3); and



(g) providing an analysis based on the first and second sets of management information (Christie, col. 9, line 41 – col. 10, line 23).

18. As to claims 58, 59, and 60, Doolan and Christie disclose a step (f) of one of the two management systems providing an analysis based on the formatted event message to determine a further action (Christie, col. 9, line 41 – col. 10, line 23).

19. As to claim 71, Doolan and Christie disclose wherein the first management system comprises one of a network management system, a system management system and an element management system (Christie, Fig. 3).

20. As to claim 72, wherein the second management system comprises one of a network management system, a system management system and an element management system (Christie, Fig. 3).

### ***Response to Arguments***

21. Applicant's arguments on July 18, 2003 with respect to claims 46-77 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The Examiner can normally be reached on Monday-Friday from 8:00 am to 6:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Feild, can be reached at (703) 305-9792.

The fax phone numbers for the organization where this application is assigned are as follows:


(703) 872-9306 (After Final Communications only)

(703) 872-9306 (Official Communications)

(703) 746-7240 (for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen  
Patent Examiner  
Art Unit 2176

  
**SANJIV SHAH**  
**PRIMARY EXAMINER**